

## HOUSE BILL NO. 648

INTRODUCED BY D. MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INCENTIVE FOR ELIGIBLE EMPLOYERS INSURED BY THE STATE FUND WHO PROVIDE A SMOKE-FREE WORKPLACE; AMENDING SECTION 39-71-2323, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 39-71-2323, MCA, is amended to read:

**"39-71-2323. Surplus in state fund -- payment of dividends -- incentive for smoke-free workplace.**

(1) Subject to the provisions of 39-71-2316 and subsection (2) of this section, if at the end of any fiscal year there exists in the state fund account created by 39-71-2321 for claims for injuries resulting from accidents that occur on or after July 1, 1990, an excess of assets over liabilities, including necessary reserves and an appropriate surplus as determined by the board in accordance with 39-71-2330, and if the excess may be refunded safely, then the board, after consultation with the independent actuary engaged pursuant to 39-71-2330, may declare a dividend. The rules of the state fund must prescribe the manner of payment to those employers who have paid premiums into the state fund in excess of liabilities.

(2) The state fund shall adopt rules creating a procedure for establishing smoke-free workplaces and for identifying employers that provide a smoke-free workplace. After calculating the dividend available under subsection (1), the state fund shall increase the amount of dividends paid to each employer providing a smoke-free workplace by 10%. The state fund shall reduce the dividends due the other eligible employers by the amount necessary to provide the additional 10% dividend increase paid to employers providing a smoke-free workplace. The state fund shall adopt by rule a formula for reducing the dividends paid to employers not providing a smoke-free workplace."

**NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2005.

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